**Docket No.: 02-29 US (2860)**

## REMARKS

The specification has been amended to update the status of referenced U.S. Patent Application Serial No. 09/767,500. Fig. 4 has been amended to make minor correction to duck-billed valve 116. The Applicants elected claims 1-16 (Group 1) for prosecution without traverse.

Claim 1 has been amended to correct for a typographical error. Withdrawn claims 17-19 have been cancelled without prejudice, new claims 20-25 have been added to claim the present invention as a combination of the matt 100 with extraction plate 12.

The present invention is primarily directed to a sealing matt for conventional filtration/extraction plate as set forth in U.S. 6,491,873. Such plates 12 include a plurality of wells 22 with filters 24 and outlets 29, see Figures 2 and 4 of U.S. 6,491,873.

In conventional extraction plate, there are no valves, or the like, to positively prevent fluid flow therethrough. Accordingly, leakage or premature flow through the plate incurs and is undesirable. The matt in accordance with the present invention provides for unidirectional flow control and sealing of conventional extraction plates.

In other words, the matt of the present invention is an accessory for the sealing of conventional extraction plates.

This must be contrasted with the plate 12 of the Kedar, et al. reference (U.S. 6,083,761) which includes a plurality of wells 16 having valves 34 disposed in the bottom thereof. Accordingly, the use of a top plate 12 in accordance with the Kedar, et al. and matt in accordance with the present invention has no utility and accordingly is not useful in combination therewith nor is it a substitute therefore.

The Examiner has rejected claims 1-3, 7-9, and 13-15 under 35 USC 102(b) as being anticipated by the Kedar, et al. reference. In this rejection, the Examiner has stated that Kedar teaches a method of combining and transferring reagents in stacked plates. With particular reference to Figure 4 of Kedar, the Examiner states that the device is comprised of two elements, an upper element 12 having wells that are placed over and into the exits of wells 22 of the lower element. Compounds are mixed and reacted in the wells of the upper plate and transferred to the lower plate through centrifugation, vacuum, or other forces.

As pointed out the by the Examiner in Figures 5d and 5e, Kedar shows an embodiment

with the tapered well having a "transitory hole" 34 that is flexible and normally closed. Upon centrifugation or application of vacuum, the hole flexes open and allows for the passage of fluid. The Examiner considers this feature to be a unidirectional valve as required in the independent claim.

The Applicants submit that anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 221 USPQ 385 (Fed. Cir. 1984); In re Sun, 31 USPQ 2d 1451 (CAFC 1993); Advanced Display Systems, Inc. v. Kent State University, 540 USPQ 2d 1673 (CAFC 2000).

Further, the Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. Ex Parte Levy, 17 USPQ 2d 1461 (USPTO Board of Patent Appeals and Interferences 1990).

In addition, the Applicants submit anticipation must meet strict standards, and unless all of the same elements are found in exactly the same situation and united in the same way to form identical function in a single prior art reference, there is no anticipation. Tights, Inc. v. Acme-McCary Corporation, et al., 191 USPQ 305 (CAFC 1976).

With this criteria in mind, it is clear that the well plate seal in accordance in the present invention provides a matt for sealing a plurality of exit ports in a multi well filtration/extraction plate. Plate 12 of the Kedar, et al. reference is in fact an extraction plate itself and does not include a plurality of spaced apart wells for engaging sealing the exit ports of another extraction plate.

Newly added claims 20-25 emphasize structural differences by claiming, in combination, an extraction plate and a matt in accordance with the present invention. This structure is shown in the original specification in Figure 2 and discussed in the specification and accordingly no new matter has been added by this claimed combination. It must be concluded the rejection of claim 1 under 35 USC 102(b) on the basis of the Keder, et al. reference is not sustainable and the applicants respectfully request the Examiner to withdraw the rejection.

Claim 2 specifically defines the present invention having a flexible matt for facilitating removable engagement with the filtration/extraction plate exit ports. The Examiner has stated that Kedar makes his device from plastic that is flexible enough to have a transitory hole that

forms the valve in the bottom of the upper plate. Applicants have defined the matt as being flexible, Keder, on the other hand, only defines bottom ends 28 as being formed from a flexible material, see column 13, line 66.

The Applicants submit that the Examiner's conclusion that because Keder's plate is made from plastic it is flexible is not properly founded. Evidence of rigidity of the Keder plate may be found in the specification in Keder in column 12, beginning at line 35 wherein it is stated:

"Conveniently, clearance cuts 18 and 20 are provided to facilitate robotics to handle the plate".

Clearly, if the plate were flexible it would not have the rigidity to be handled by robotic arms, certainly not when the wells 16 are filled. In addition, Figure 4 of Kedar shows the plate as having a right angle corner (see corner near reference character 12). This structure adds rigidity not flexibility to the plate.

Accordingly, the Applicants submit that the flexibility limitation the matt in the present invention is neither taught or suggested in the Keder, et al. reference. In addition, reference by Keder that only the bottom ends 28 are flexible infers that the remainder of the plate is not flexible.

In view of this structure, the Applicants submit that rejection of claim 2 under 35 USC 102(b) on the basis of the Keder reference as not sustainable and respectfully request the Examiner to withdraw the rejection.

Regarding claim 3, there is no suggestion in the Keder, et al. that the matt and the valves integrally molded. Accordingly, the rejection of claim 3 under 35 USC 102(b) is not sustainable. Withdrawal is respectfully requested.

In traverse of the rejection of claims 7-9 and 13-15 under 35 USC 102(b) on the basis of the Keder, et al. reference, the Applicants reiterate the hereinabove arguments submitted for traverse of the rejection of claims 1-3.

Claims 4-6, 10-12, and 16 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Keder, et al. in view of U.S. 4,473,094 to Harris. In this rejection, the Examiner stated that Keder teaches every element of claims 4-6, 10-12 except for the use of a duckbill valve. In view of this deficiency, the Examiner looks to Harris as teaching an air inlet that emits filtered gasses into a fluid container which has a duckbill valve in the inlet housing.

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The Examiner concludes that it would have been obvious of one of ordinary skill in the art to combine the duckbill valve from Harris with the device of Keder, et al.

While Harris teaches the duckbill valve it adds nothing to the deficiency of the teachings of Keder, et al. for providing flexible matt suitable for seal a conventional extraction plate. With regard to multi-well filtration, the basic extraction apparatus, Harris is non-analogous art. In view of the fact that its teachings are for an integral air outlet for filtered gasses.

The Applicants submit that the Examiner has not made a prima facie case of obviousness under 35 USC 103(a) on the basis of the Keder, et al. and Harris references. Withdrawal of the rejection under 35 USC 103(a) is respectfully requested.

With regard to newly added claims 20-25, it is clear that none of the references cited the Examiner shown a combination of an extraction plate with a matt. The Keder, et al. reference teaches an extraction plate but no separate matt for sealing exit ports thereof. Accordingly, there is no anticipation under 35 USC 103(a) nor is the combination of Keder, et al. and Harris combination of an extraction plate and a matt is obvious under 35 USC 103(a).

In view of the arguments hereinabove set forth and amendment to the claims and specification, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectively requested.

Respectfully submitted,

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Walter A. Hackler
Attorney of Record
Registration No. 27,792
2372 S.E. Bristol, Suite B
Newport Beach, California 92660
Tel: (949) 851-5010